

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Ramsey County,

Complainant,

vs.

Bill Jodeit,

Respondent.

**NOTICE OF DETERMINATION OF  
PRIMA FACIE VIOLATION  
AND  
NOTICE OF AND ORDER FOR  
EVIDENTIARY HEARING**

**To: Dorothy A. McClung, Ramsey County Auditor, 50 W. Kellogg Blvd., Suite 722, St. Paul, MN 55102, and Bill Jodeit, 1714 Edgemont Street, Maplewood, MN 55117.**

On December 7, 2004, Ramsey County filed a Complaint with the Office of Administrative Hearings alleging that Bill Jodeit violated Minn. Stat. § 211A.05 by failing to timely file a campaign financial report certification of filing. After reviewing the Complaint, the undersigned Administrative Law Judge has determined that the Complaint sets forth a prima facie violation of section 211A.05. This determination is described in more detail in the attached Memorandum.

**THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that this matter will be scheduled for a prehearing conference and evidentiary hearing to be held at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, before three Administrative Law Judges. The evidentiary hearing must be held within 90 days of the date the complaint was filed, pursuant to Minn. Stat. § 211B.35. You will be notified of the date and time of the prehearing conference and evidentiary hearing, and the three judges assigned to it, within one week of the date of this Order. The evidentiary hearing will be conducted pursuant to Minnesota Statutes § 211B.35. Information about the evidentiary hearing procedures and copies of state statutes may be obtained online at [www.oah.state.mn.us](http://www.oah.state.mn.us) and [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

At the evidentiary hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should bring with them all evidence bearing on the case with copies for the Administrative Law Judge and opposing party.

After the evidentiary hearing, the Administrative Law Judges may dismiss the complaint, issue a reprimand, or impose a civil penalty of up to \$5,000. The panel may also refer the complaint to the appropriate county attorney for criminal prosecution. A

party aggrieved by the decision of the panel is entitled to judicial review of the decision as provided in Minn. Stat. §§ 14.63 to 14.69.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401, or call 612/341-7610 (voice) or 612/341-7346 (TTY).

Dated: December 8, 2004

/s/ Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge

## MEMORANDUM

Minnesota Statutes § 211A.05, requires candidates or treasurers of committees formed to promote or defeat a ballot question to certify to the “filing officer”<sup>[1]</sup> that all financial reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee have not received contributions or made disbursements exceeding \$750 in the calendar year. The certification of filing is required to be submitted to the filing officer no later than seven days after the general or special election.

Pursuant to Minnesota Statutes § 211A.05, subd. 2, if a candidate or committee fails to file the certification of filing on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If the certification is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section 211B.32.<sup>[2]</sup>

According to the complaint, Mr. Jodeit, who ran for Ramsey County Commissioner in District 7, failed to file his certification within seven days of the general election. The Complaint alleges that on November 18, 2004, a notice of failure to file was mailed to Mr. Jodeit and that, to date, no filing has been received from Mr. Jodeit.

Because Mr. Jodeit’s certification of filing was not filed within ten days after the notification was mailed, the Complaint states a prima facie violation of Minn. Stat. § 211A.05. Pursuant to Minn. Stat. § 211B.33, subd. 2(d), this matter shall be set on for an evidentiary hearing before a panel of three administrative law judges.

B.J.H.

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<sup>[1]</sup> Minn. Stat. § 211A.01, subd. 7, defines “filing officer” to mean the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

<sup>[2]</sup> Minn. Stat. § 211A.05, subd. 2.